

Appl. No.: 10/798,999
Amendment dated August 10, 2009
Reply to Office Action of May 12, 2009

REMARKS/ARGUMENTS

With this Amendment, Applicant amends claims 1, 10, 12 and 14. No new matter is added. Claims 1-6 and 9-17 are all the claims currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Objection to Claim 12

Claim 12 is objected to because the term “identify” is misspelled. Applicant herein amends claim 12 to correct this minor informality and Applicant submits that this self-explanatory claim amendment overcomes the objection. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the objection to claim 12.

II. Rejection of Claims 1-6 & 9-11 Under 35 U.S.C. § 112, Second Paragraph

Claim 1 is rejected allegedly because there is insufficient antecedent basis for the claim recitation “said data store”. (See pg. 2 of the Office Action) Applicant herein amends claim 1 to recite “said memory” instead of “said data store” and submits that this self-explanatory claim amendment provides sufficient antecedent basis.

Additionally, claims 1-6 and 9-11 are rejected because “[i]t is unclear whether the processor performs all of the functions of the claim[s] or just the configure to reduce the information function” of the claims. (See pg. 2 of the Office Action) Applicant herein amends independent claims 1 and 10 to clearly indicate that the processor is configured to perform the recitations of independent claims 1 and 10.

In view of the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the § 112, second paragraph rejection of independent claim 1 and its dependent claims 2-6 and 9 as well as independent claim 10 and its dependent claim 11.

III. Rejection of Claims 1, 2, 5, 10-12 & 14-17 Under 35 U.S.C. § 103(a)

Claims 1, 2, 5, 10-12 and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCallum (U.S. Patent No. 5,784,635; hereinafter “McCallum”) in view of Wiggins (U.S. Patent Appln. Publn. No. 2002/0120473; hereinafter “Wiggins”).

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In contrast to independent claim 1, McCallum and Wiggins, taken individually or in combination, are altogether silent and do not teach or suggest at least an apparatus comprising a processor configured to: (A) create *at least one summary* associated with the one or more expired data points in which *each of the expired data points* are associated with *a time period* and; (B) reduce the information in at least one of *the insurance claims of the summary in response to a respective time period elapsing*, as recited by claim 1.

In rejecting claim 1, the Examiner correctly concedes that McCallum does not teach or suggest the above features of claim 1. However, the Examiner relies on Wiggins to make up for the deficiencies of McCallum. (See pg. 4 of the Office Action) In contrast to claim 1, Wiggins alone or in combination with McCallum, at most discloses a system that allows a service provider to file insurance claims directly with a payer via the Internet. The cited portions of Wiggins, alone or in combination with McCallum, at most describe that a payer's web site may consist of pages where claims may be filed online and explains that the "addresses of the payer's web sites at which online claim filing is to take place, is designed to expire within a short period of time after the claims have been filed." (paragraph [0034] of Wiggins)

Paragraphs [0050] and [0055] of Wiggins, alone or in combination with McCallum, at most discloses that direct claims may be posted to the payer's web site and responses from a payer may be gathered. In this regard, Wiggins explains that the response files may be compressed and pushed to a web portal. Claim 1 recites that each of the expired data points that represents data from an insurance claim are associated with a time period. Nowhere, in Wiggins, alone or in combination, is there any mention, teaching or suggestion relating to the response files representing data from insurance claims **and** that the response files are associated with any time period.

And there certainly is no mention, teaching or suggestion in Wiggins, alone or in combination with McCallum, relating to reducing any information in at least one of the insurance claims of a summary associated with an expired data point in response to a respective time period elapsing, as recited by claim 1. Rather, the cited portion of Wiggins, alone or in combination, at most discloses that a transaction summary may be generated on behalf of a user and posted on a web portal. (paragraph [0081] of Wiggins) However, Wiggins, alone or in combination, is altogether silent and does not contemplate reducing any information of the

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transaction summary in response to a respective time period associated with an expired data point elapsing, as recited by claim 1. To the extent that the Examiner is also relying on the response file as a summary, Applicant submits that there is no mention, teaching or suggestion in Wiggins, alone or in combination with McCallum, relating to the reducing any information in an insurance claim of the response file in response to any time period elapsing, as required by claim 1.

Based on at least the foregoing reasons, the combination of McCallum and Wiggins is deficient and does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claim 1 and its dependent claims 2, 5 and 17.

Since independent claims 10, 12, 14, 15 and 16 contain features that are analogous to, though not necessarily coextensive with, the features of claim 1, Applicant submits that independent claims 10 and 12 and their respective dependent claims 11 and 13 as well as independent claims 14, 15 and 16 are patentable at least for reasons analogous to those submitted for claim 1.

IV. Rejection of Claims 3, 4, 6 & 13 Under 35 U.S.C. § 103(a)

Claims 3, 4, 6 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McCallum, Wiggins and further in view of Pish (U.S. Patent Appln. Publ. No. 2002/0120473 hereinafter; "Pish"). Applicant traverses this rejection for at least the following reasons.

As discussed above, the combination of McCallum and Wiggins is deficient vis-à-vis independent claims 1 and 12, and Pish does not make up for the deficiencies of the combination of McCallum and Wiggins and is not cited for such. As such, claims 3, 4, 6 and 13 are patentable at least by virtue of their respective dependencies from claims 1 and 12. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 3, 4, 6 and 13.

V. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the application are in condition for allowance. It is respectfully requested that a Notice of

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Allowance be issued in due course. Examiner Rapillo is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cory Davis", written over a horizontal line.

Cory C. Davis
Registration No. 59,932

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

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